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June 30, 2021

Via ECF

Honorable Magistrate Judge Cave
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1670
New York, NY 10007

Re: *Liriano, et al. v. NYC DOE et al.*
19-Civ.-11245 (LGS)(SLC)
Letter To Extend ESI Deadline as to DOE
only

Dear Hon. Magistrate Judge Cave:

This office represents Plaintiffs in the above entitled action. By this letter Plaintiffs write with consent of Defendant New York City Department of Education (hereafter “DOE”) regarding the portion of this request pertaining to them, to seek extension of the ESI deadline as to them only.

Counsel for the aforementioned have been working in good faith to develop an agreed upon ESI protocol on outstanding ESI—significant ESI have been already exchanged by the DOE and Plaintiffs, who are very close to an agreement. Part of the proposed agreement involves data from certain DOE-issued Blackberries used by Defendant Catania in her work. While no definitive agreement has yet been reached regarding these devices, the DOE has posed the issue that their current vendor does not have the capacity to access the data on these devices. Counsel for the aforementioned have discussed these technical limitations and the DOE has agreed to seek a quote from an additional vendor who may have such functionality, which is expected later this week. As the Plaintiffs and the DOE cannot finalize the outstanding protocol until the DOE receives a quote and is able to take a decision on the Blackberries, Plaintiffs and the DOE request an extension until July 22 as to them only, to submit an ESI protocol.

By this request Plaintiffs are expressly not seeking to adjourn the deadline to submit an ESI protocol jointly with Defendant Catania. To date, all ESI received by Plaintiffs in this matter is from DOE-issued devices and not from Defendant Catania's personal devices.

Based on communications with Defendant Catania's current counsel, there are significant disputes to raise with the court on July 1, as Plaintiffs do not anticipate reaching an agreement, given that Defendant Catania has yet to identify her personal ESI devices subject to discovery and appears to be raising objections to such. Accordingly, Plaintiffs requests that the ESI deadline as to them and Defendant Catania remain undisturbed to permit Plaintiffs to raise these issues promptly.

Respectfully submitted,

_____/s/_____
Ria Julien
Jeanne Mirer
Attorney for the Plaintiffs

Plaintiffs' letter-motion requesting an extension of the deadline to file a proposed ESI protocol (the "ESI Protocol") as to Plaintiffs and the DOE only (ECF No. 154) is GRANTED IN PART AND DENIED IN PART. The deadline for the parties to submit the ESI Protocol (or competing proposals, in the event they cannot agree after meaningful, good-faith efforts) is EXTENDED to **Thursday, July 22, 2021**. Plaintiffs and Defendant Catania shall use this additional time to continue to meet and confer regarding their disputes.

The Clerk of Court is respectfully directed to close ECF No. 154.

SO ORDERED 7/1/2021


SARAH L. CAVE
United States Magistrate Judge